

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 Terence E. Ruben,

5 Plaintiff

6 v.

7 City of Las Vegas, et al.,

8 Defendants
9

2:17-cv-01003-JAD-VCF

**Order Adopting Report and
Recommendation and Dismissing Case
With Prejudice**

[ECF No. 8]

10 Pro se plaintiff Terence E. Ruben brings this civil-rights case against the City of Las
11 Vegas and Texas City, alleging multiple instances in which police officers violated his
12 constitutional rights.¹ On May 10, 2017, Magistrate Judge Cam Ferenbach screened Ruben's
13 original complaint and concluded that all of his claims are time-barred by the applicable statutes
14 of limitations.²

15 Ruben amended his complaint, realleging the time-barred claims, including new claims
16 that his constitutional rights were violated because he was incarcerated after he turned himself in
17 for warrants for his arrest, and requesting \$10 million in damages.³ Judge Ferenbach told Ruben
18 once again that several of his claims were time-barred and advised him that the new claims did
19 not contain sufficient factual allegations to determine jurisdiction.⁴ Ruben was cautioned that, if
20 the new claims were for incarcerations in Texas, the District of Nevada would likely not have
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24 ¹ ECF Nos. 1-1, 4, 5.

25 ² ECF No. 3.

26 ³ ECF No. 5.

27 ⁴ ECF No. 6 at 2.
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1 jurisdiction to enter any judgment against the government of Texas City.⁵ So Judge Ferenbach
2 gave Ruben one more chance to amend his complaint by December 15, 2017, and warned him
3 that failure to timely file a second-amended complaint would result in his recommendation that
4 this case be dismissed with prejudice.⁶

5 The deadline to file a second-amended complaint has now passed, and Ruben has failed
6 to do so. True to his word, Magistrate Judge Ferenbach recommends that I dismiss this case.
7 The report and recommendation was issued on December 18, 2017, making January 1, 2018, the
8 deadline to file objections. That deadline, too, has passed, and Ruben has not objected. “[N]o
9 review is required of a magistrate judge’s report and recommendation unless objections are
10 filed.”⁷ Accordingly, IT IS HEREBY ORDERED that Magistrate Judge Ferenbach’s report and
11 recommendation [ECF No. 8] is **ACCEPTED and ADOPTED**. This case is **DISMISSED**
12 **with prejudice**. The **Clerk of Court** is directed to **CLOSE THIS CASE**.

13 DATED: January 4, 2018.

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15 U.S. District Judge Jennifer A. Dorsey
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24 ⁵ *Id.* Ruben was also advised to correct his mailing address that is on file with the court because
25 previous correspondence was returned as undeliverable.

26 ⁶ *Id.*

27 ⁷ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474
28 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).